

2019 MAY -9 PM 12: 27  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
CLEVELAND

1:19 EV 10 4 1

JUDGE NUGENT

**COUNT I VIOLATIONS TITLE VII**

COUNT II VIOLATIONS (ADA) TITLE I

## INTRODUCTION

This action is brought for violation of Title I the Americans with Disabilities Act of 1990 (“ADA”), 42 U.S.C. section 12102 including section I thereof on account of Plaintiff Michael R. Gamble disabilities and/or related medical condition, and Title VII of The Civil Rights Act of 1990.

### **JURISDICTION AND VENUE**

1. This court has jurisdiction of these claims pursuant to 42 U.S.C. Sec 2000e-5, 42 U.S.C. section 12102 because the action arises under the laws of the United States and involves federal questions based on the ADA and Title VII.
2. All jurisdictional and administrative prerequisites with respect to Plaintiff have been met, to wit: Plaintiff has timely filed a charge of discrimination with the Equal Employment Opportunity Commission (EEOC) on or about August 20, 2019 less than three (300) days from the last continuous act of discrimination by Defendant against Plaintiff. The EEOC issued and sent a notice of right to sue to Plaintiff dated February 11 2019. This complaint is being filed within 90 days of the receipt of the same and Plaintiff has satisfied the jurisdictional requirements.

### **PARTIES**

1. Plaintiff is an individual citizen of the State of Ohio who currently resides in Cleveland, Ohio who is a patron of Defendant from June 19, 2000 until being sexually harassed on or about August 20 2018.
2. Defendant is market place whose principal place of business is located in the City of Cleveland Heights, Cuyahoga County and the State of Ohio.

### **BACKGROUND**

1. On August 6, 2018 Plaintiff was shopping at the Marc's store at 1835 Coventry RD the manager who goes by the first name Chris, called Gamble a sissy numerous times during an encounter Gamble was offended, and felt that he was profiled .
2. The Plaintiff Gamble lodged a complaint with the Marc's Corporate Office to Janet LNU, in the corporate office, to no avail.
3. I am a black male with a disability, prior to 2018, and most recently on August 20, 2018, I have been subjected to harassment by Store Manager, Chris LNU.
4. I believe that I have been discriminated against due to my race Hebrew Israelite and my sex, male in violation of Title VII of the Civil Rights Act of 1964, as amended as well as my disability, in Violation of Title I of The Americans with Disability Act of 1990.

### **DEMAND FOR JUDGMENT**

**WHEREFORE**, Plaintiff prays and demands as a direct and proximate result of Defendant's actions as set forth above, Plaintiff has suffered the damages and or has a right to the damages more fully specified above and below and in excess of \$ 25,000 dollars.

1. That this Court award Plaintiff an amount to be determined at trial for Plaintiff's emotional distress, mental anguish, pain and suffering, inconvenience, humiliation and loss of enjoyment of life;
2. That this Court award Plaintiff punitive damages in an amount to be determined at trial;
3. That this Court award Plaintiff prejudgment and post judgment interest in an amount and at a rate to be determined at the time of trial;
4. That this Court grant Plaintiff consequential damages and other available compensatory damages not specified herein; and
5. That this Court grants Plaintiff such other and further legal and equitable relief as may be just and proper.



**MICHAEL R. GAMBLE**  
**1391 EAST 110<sup>TH</sup> STREET**  
**CLEVELAND, OH 44106**  
**(216)205-9367**

**JURY DEMAND**

A trial by jury is hereby demanded of the maximum number allowed by law on all issues triable by a jury.